

THE HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

THE HON'BLE SHRI JUSTICE G. BHAVANI PRASAD

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WRIT PETITION NO. 24751 of 2005

AND

WRIT PETITION MISCELLANEOUS PETITION No. 32151 of 2005

Between:

S.R. Kumar

....Petitioner

A N D

The Union of India represented by its Secretary, Ministry of Mines, Government of India, Sastry Bhavan, New Delhi and Others

...Respondents

Advocate for Petitioner: Sri G. Veera Reddy

Advocate for Respondents No.1 & 4: Sri A. Rajasekhar Reddy

Assistant Solicitor General

Advocate for Respondents No.2 & 3: Government Pleader for

Industries & Commerce

February 16, 2006

JUDGMENT

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Per G.S. Singhvi, C.J.

The petitioner has invoked the jurisdiction of this Court for striking down Rule 23F of Amended Mineral Conservation and Development Rules, 1988. He has also filed a Miscellaneous Petition W.P.M.P.No.32151 of 2005 for directing Assistant Director of Mines and Geology, Nellore not to insist for financial assurance of Rs. 1 lakh in terms of letter dated July 8, 2005 vide which the lease was granted in his favour for a period of 20 years subject to the conditions enumerated therein.

During the course of hearing, we pointed out to learned counsel that the main writ petition as well as the miscellaneous petition are not supported by duly verified affidavits. Upon this learned counsel for petitioner made a request that his client may be permitted to withdraw the writ petition along with miscellaneous petition with liberty to file fresh one.

The request of learned counsel is accepted and the writ petition as well as the miscellaneous petition are dismissed with a liberty to the petitioner to file fresh one.

G.S. SINGHVI, CJ

G. BHAVANI PRASAD, J

February 16, 2006

CHV